

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC.,

Defendant.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

ROCHE DIAGNOSTICS GMBH, *et al.*,

Plaintiffs,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/26/14

No. 03 Civ. 3816 (RJS)
ORDER

No. 03 Civ. 3817 (RJS)
ORDER

No. 04 Civ. 4046 (RJS)
ORDER


RICHARD J. SULLIVAN, District Judge:

On June 11, 2014 and June 12, 2014, the parties submitted under seal a series of four letters to the Court via email. Now before the Court are the proposed redacted versions of the letters for public docketing. The Court has reviewed the proposed redactions designated by the

parties in red, blue, and green. With respect to the June 11, 2014 letter, the Court finds that for the redactions designated in red and green only, in light of the need “to prevent a party from being prejudiced by the application of counsel to withdraw,” *see Weinberger v. Provident Life & Cas. Ins. Co.*, No 97 Civ. 9262 (JGK), 1998 WL 898309, at *1 (S.D.N.Y. Dec. 23, 1998), the parties have overcome the presumption in favor of open records articulated in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). With respect to Greenberg Traurig’s letter dated June 12, 2014, the Court has reviewed the proposed redactions and, for the same reason articulated above, finds that the parties have overcome the presumption in favor of open records only with respect to the green redaction on the first page. With respect to Enzo’s letter dated June 12, 2014, the Court has reviewed the proposed redactions and, for the same reason articulated above, finds that the parties have overcome the presumption in favor of open records only with respect to the red redactions in the first full paragraph of page 2, and not with respect to the other red redactions on that page. With respect to Enzo’s second letter dated June 12, 2014, the parties propose no redactions. Accordingly, IT IS HEREBY ORDERED THAT this letter should be publicly docketed in its entirety. IT IS FURTHER ORDERED THAT the parties shall docket the other three letters with the approved redactions and confirm that the unredacted versions have been filed under seal.

SO ORDERED.

DATED: June 25, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE